



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
NORTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: July 11, 2001

TIME: 10:00 a.m. – 3:30p.m.

LOCATION: Department of Consumer Affairs
400 R Street, Suite 4070
Sacramento, CA 95814

**BOARD MEMBER
PRESENT:**

Donald Gubbins, Chairperson
Robert Elsner, Board Member
Stanley Goldenberg, Board Member

**STAFF
PRESENT:**

Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Brenda Barnard, Pharmacy Inspector
Lin Hokana, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

**ALSO
PRESENT:**

Bruce Painter, Director of Professional Services
Roxanne B. Gueno, RPH, Pharmacy District Manager
Milton Leslie Kienholtz, RPH, PIC
James Ware Angell, RPH, PIC
Frank Edwin Maurimo, RPH
Tom Maez, RPH, Pharmacy District Manager
Ken Stahl, RPH, Pharmacy Supervisor
Barry L. Mayfield, RPH, PIC
Michael D. Moore, RPH, former PIC
Blong Lee, RPH, former PIC
Richard Martland, Attorney at Law
Conrad Bio, RPH, Pharmacy Development Manager
Robert W. Low, RPH, PIC

Northern Compliance Committee

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Michelle D. Gandley, RPH, former PIC
Reem A, Mohamed, RPH
Hirbod E. Cohentov, RPH, PIC
Sagee Majmoud, RPH, Pharmacy Development Manger
Kenneth Wayne Kemp, RPH, PIC
Tom Drew, Pharmacy Development Manager
Jo'Vel Prejean, RPH, PIC
Eva Chan Wu, former PIC
Steven Gray, RPH, Professional Affairs Leader
Alvin Cheung, Pharmacy Services Leader
Nicholas John Lembesis, RPH, PIC
Gordon Don Fong, RPH, former PIC
Kevin Yan Wong, RPH, former PIC
Hai Quang Cao, RPH
Jennifer C. Brasiel, INT
Glenn Ewing Otterman, RPH, PIC
Linda Yu-Chih Chang Nguyen, RPH
Frank Choy, RPH, East Bay Service Area Pharmacy Leader
Mamta Patel, RPH, PIC
Mani M. Kammula, RPH
Natalie Yvonne Nickles, RPH, PIC
David N. Roderick, RPH, CEO

CALL TO ORDER

Chairperson Donald Gubbins called the meeting of the Northern Compliance Committee to order at 10:00 a.m.

A. APPEARANCES REQUIRED

1. Milton Leslie Kienholtz CI 1999 18219
RPH 33019, PIC

Wal-Mart Pharmacy #10-1608
Red Bluff, CA
PHY 36943

Bruce Painter, Director of Professional Services
Roxanne B. Gueno, RPH, Pharmacy District Manager

Milton Leslie Kienholz and Wal-Mart Pharmacy #10 1608, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Wal-Mart Pharmacy #10 1608 had significant losses of controlled substances. The pharmacy could not explain how these shortages occurred.

On March 19, 2001, a violation notice was issued to Milton Leslie Kienholz and Wal-Mart Pharmacy #10 1608, for violation of:

- Business and Professions Code section 4301 (j)(o) – Unprofessional conduct, the violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Milton Leslie Kienholz, and Wal-Mart Pharmacy #10-1608; (a) the matter will be made a part of the record of Milton Leslie Kienholz, RPH 33019; (b) the matter will be made a part of the record of Wal-Mart Pharmacy #10-1608, RPH 36943. No further action will be taken at this time.

2. James Ware Angell
RPH 50904, PIC

CI 1999 19576

Frank Edwin Maurino
RPH 35354

Wal-Mart Pharmacy #10-1616
Susanville, CA
PHY 37414

Bruce Painter, Director of Professional Services
Tom Maez, RPH, Pharmacy District Manager

James Ware Angell and Wal-Mart Pharmacy #10-1616, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Wal-Mart Pharmacy #10-1616 dispensed Zyprexa on a new prescription written for Zyrtec. When requested for the original prescription document, Mr. Angell stated that the document had been miss filed, and he could not provide the record to the board inspector. It was also substantiated during the investigation that had appropriate patient consolation been provided this error would have been detected.

On April 25, 2001, letters of violation were issued to James Ware Angell and Wal-Mart Pharmacy #10-1616, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection; waiver; willful failure to keep or permit inspection of records of prescriptions, other records as misdemeanor.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1716 – Variation from a prescription.

The committee rescinds the violation for California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of James Ware Angell, Frank Edwin Maurino, and Wal-Mart Pharmacy #10-1616; (a) the matter will be made a part of the record of James Ware Angell, RPH 50904; (b) the matter will be made a part of the record of Frank Edwin Maurino, RPH 35354; (c) the matter will be made a part of the record of Wal-Mart Pharmacy #10-1616, PHY 37414. No further action will be taken at this time.

3. Ronny Y. Chiu
RPH 49494, PIC

CI 1999 19302

Walgreens
San Francisco, CA
PHY 30019

Ronny Y. Chiu and Walgreens, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Ronny Y. Chiu failed to recognize the rights of a patient, who objected to his prescription records being made accessible to other pharmacies through use of electronic prescription files.

On April 6, 2001, a letter of violation was issued to Ronny Y, Chiu and Walgreens, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1717.2 - Notice of electronic prescription files. Whenever a consumer objects to his or her prescription records being made accessible to other pharmacies through use of electronic prescription files, it is the duty of the pharmacy to assure that the consumer's records are not shared with or made accessible to another pharmacy, except as provided in Section 1764.

This case was postponed prior to this meeting of the Northern Compliance Committee and will be rescheduled for a future meeting.

4. Barry L. Mayfield
RPH 24242, PIC

CI 1999 19275

Michael D. Moore
RPH 39214, former PIC

Blong Lee
RPH 48613, former PIC

Raley's Drug Center #267
Roseville, CA
PHY 36953

Ken Stahl, RPH, Pharmacy Supervisor

Michael D. Moore, Blong Lee, and Raley's Drug Center #267, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Raley's Drug Center #267 dispensed Zantac liquid on a prescription written for Zyrtec liquid for an eight year old patient. If appropriate patient consultation had been provided this error would have been detected.

On April 6, 2001, a letter of violation was issued to Michael D. Moore and Raley's Drug Center #267, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Barry L. Mayfield, Michael D. Moore, Blong Lee, and Raley's Drug Center #267; (a) the matter will be made a part of the record of Michael D. Moore, RPH 39214; (b) the matter will be made a part of the record of Raley's Drug Center #267, PHY 36953; (c) Michael D. Moore, RPH 39214, is cited and fined \$1,000, for failure to provide patient consultation as required; (d) Raley's Drug Center #267, PHY 36953, is cited and fined \$500, for failure to provide patient consultation as required. No further action will be taken at this time.

5. Robert W. Low
RPH 28455, PIC

CI 1999 19112

Michelle D. Gndley
RPH 46017, former PIC

Reem A. Mohamed
RPH 46282

Rite Aid #5897
San Francisco, CA
PHY 42213

Richard Martland, Attorney at Law
Conrad Bio, RPH, Pharmacy Development Manager

Michelle D. Gandley, Reem A. Mohamed, and Rite Aid #5897, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Rite Aid #5897 dispensed quinidine 200mg tablets on a refill prescription calling for quinine 200mg capsules. Rite Aid #5897 could not provide the refill logs for the time period of August 29, 1999 through September 14, 1999, which is the time the incident occurred. Rite Aid personnel stated that the refill logs were lost.

On May 23, 2001, letters of violation were issued to Michelle D. Gandley, Reem A. Mohamed, and Rite Aid #5897, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection; waiver; willful failure to keep or permit inspection of records of prescriptions, other records as misdemeanor.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.

Board member Donald Gubbins recused himself from this appearance and left the room.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Elsner

The committee accepted the appearance of Robert W. Low, Michelle D. Gandley, Reem A. Mohamed, and Rite Aid #5897; (a) the matter will be made a part of the record of Michelle D. Gandley, RPH 46017; (b) the matter will be made a part of the record of Reem A. Mohamed, RPH 46282; (c) the matter will be made a part of the record of Rite Aid #5897, PHY 42213. No further action will be taken at this time.

6. Hirbod E. Cohentov
 RPH 48049, PIC

CI 1999 18331

Rite Aid #5888
Mountain View, CA
PHY 42753

Richard Martland, Attorney at Law
Sagee Mahmoud, RPH, Pharmacy Development Manager

Hirbod E. Cohentov and Rite Aid #5888, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Hirbod E. Cohentov dispensed atenolol and Vicodin mixed together in one prescription container, on a prescription for Vicodin.

On April 5, 2000, a violation notice was issued to Hirbod E. Cohentov and Rite Aid #5888, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.

Board member Donald Gubbins recused himself from this appearance and left the room.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Elsner

The committee accepted the appearance of Hirbod E. Cohentov, and Rite Aid #5888; (a) the matter will be made a part of the record of Hirbod E. Cohentov, RPH 48049; (b) the matter will be made a part of the record of Rite Aid #5888, PHY 42753. No further action will be taken at this time.

7. Kenneth Wayne Kemp
 RPH 36790, PIC

CI 1999 19079

Rite Aid #5867
Fresno, CA
PHY 42743

Richard Martland, Attorney at Law
Tom Drew, Pharmacy Development Manager

Kenneth Wayne Kemp, and Rite Aid #5867, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Kenneth Wayne Kemp dispensed two prescriptions to one patient with incorrect directions for their use. The directions were switched, which caused the patient to take her Trental 400mg one tablet by mouth at bedtime, and to take her Perphenazine and Amitriptyline one tablet three times per day.

On april 6, 2001, letters of violation were issued to Kenneth Wayne Kemp, Rite Aid #5867, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- Business and Professions Code section 4077 (a) No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- California Code of Regulations section 1716 – Variation from prescription.

Board member Donald Gubbins recused himself from this appearance and left the room.

Melanie T. Sandler failed to appear at this meeting of the Northern Compliance Committee.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Jo'Vel Prejean, Eva Chan Wu, and Kaiser Foundation Health Plan MOB 22nd Floor Pharmacy #512; (a) the matter will be made a part of the record of Jo'Vel Prejean, RPH 48475; (b) the matter will be made a part of the record of Kaiser Foundation Health Plan MOB 22nd Floor Pharmacy #512, PHY 39676. No further action will be taken at this time.

9.	Nicholas John Lemesis RPH 36103, PIC	CI 1999 18565
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Gordon Don Fong
RPH 35381, former PIC

Kevin Yan Wong
RPH 37684, former PIC

Hai Quang Cao
RPH 49524

Jennifer C. Brasiel
INT 8516

Kaiser Foundation Health Plan
MOB Pharmacy #541
Martinez, CA
PHY 32813

Steven Gray, RPH, Professional Affairs Leader
Alvin Cheung, Pharmacy Services Leader

Gordon Don Fong, Kevin Yan Wong, Hai Quang Cao, Jennifer C. Brasiel, and Kaiser Foundation Health Plan MOB Pharmacy #541, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Intern Jennifer C. Brasiel dispensed Prozac 10mg on a prescription written for Prilosec. Intern Jennifer C. Brasiel's work was being checked by Hai Quang Cao at the time the error occurred.

On March 19, 2001, letters of violation were issued to Jennifer C. Brasiel, Hai Quang Cao, and Kaiser Foundation Health Plan MOB Pharmacy #541, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Nicholas John Lembesis, Gordon Don Fong, Kevin Yan Wong, Hai Quang Cao, Jennifer C. Brasiel, and Kaiser Foundation Health Plan MOB Pharmacy #541; (a) the matter will be made a part of the record of Jennifer C. Brasiel, INT 8516; (b) the matter will be made a part of the record of Hai Quang Cao, RPH 49524; (c) the matter will be made a part of the record of Kaiser Foundation Health Plan MOB Pharmacy #541, PHY 32813. No further action will be taken at this time.

10. Glenn Ewing Otterman
 RPH 31942, PIC

CI 1999 18320

Linda Yu-Chih Nguyen
RPH 48042

Kaiser Foundation Hospital
Inpatient Pharmacy #14A
Hayward, CA
HSP 34870

Steven Gray, RPH, Professional Affairs Leader
Frank Choy, RPH, East Bay Service Area Pharmacy Leader

Linda Yu-Chih Chang Nguyen and Kaiser Foundation Hospital Inpatient Pharmacy #14A, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Linda Yu-Chih Chang Nguyen failed to review the patients age and weight before entering the physicians order into the pharmacy computer. As a result the infant patient was administered ten times the normal dosage of Klonopin.

On June 5, 2000, a violation notice was issued to Linda Yu-Chih Chang Nguyen and Kaiser Foundation Hospital Inpatient Pharmacy #14A, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1761 (a) - No pharmacist shall compound or dispense any prescription, which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Glenn Ewing Otterman, Linda Yu-Chih Chang Nguyen, and Kaiser Foundation Hospital Inpatient Pharmacy #14A; (a) the matter will be made a part of the record of Linda Yu-Chih Chang Nguyen, RPH 48042; (b) the matter will be made a part of the record of Kaiser Foundation Hospital Inpatient Pharmacy #14A, HSP 34870. No further action will be taken at this time.

CI 1999 18647

Mani M. Kammula
RPH 46243

Kaiser Foundation Hospital
New & Refill Pharmacy #141
Hayward, CA
HSP 18647

Steven Gray, RPH, Professional Affairs Leader
Frank Choy, RPH, East Bay Service Area Pharmacy Leader

Mamta Patel, Mani M. Kammula, and Kaiser Foundation Hospital New & Refill Pharmacy #141, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Mani Kammula dispensed Tenormin and Meclizine to a patient that was prescribed Amoxicillin.

On April 13, 2001, letters of violation were issued to Mamta Patel, Mani M. Kammula, and Kaiser Foundation Hospital New & Refill Pharmacy #141, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Mamta Patel, Mani M. Kammula, and Kaiser Foundation Hospital New & Refill Pharmacy #141; (a) the matter will be made a part of the record of Mamta Patel, RPH 48412; (b) the matter will be made a part of the record of Mani M. Kammula, RPH 46243; (c) the matter will be made a part of the record of Kaiser Foundation Hospital New & Refill Pharmacy #141, HSP 18647; (d) Manta Patel, RPH 48412, is cited and fined \$500, for failure to provide patient consultation as required; (e) Mani M. Kammula, RPH 46243, is cited and fined \$1,000, for failure to provide patient consultation as required; (f) Kaiser Foundation Hospital New & Refill Pharmacy #141, HSP 18647, is cited and fined \$500, for failure to provide patient consultation as required; (g) A follow up inspection is ordered within 30days to ensure compliance with drug utilization review by the dispensing pharmacist and patient consultation requirements. No further action will be taken at this time.

12. Aida F. Barzaga
 RPH 36018, PIC

CI 1998 17240

Elaine Chan
INO

Four Fifty Sutter Pharmacy
San Francisco, CA
PHY 30976

Aida F. Barzaga, Elaine Chan, Frederick Howe, and Four Fifty Sutter Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Four Fifty Sutter Pharmacy dispensed Zithromax with incorrect directions for use. The prescription was written to take one tablet daily, and the directions on the container read take "4 tablets now." However, the pharmacy personnel failed to respond to the board inspector's request for an explanation of this incident.

On May 22, 2000, a violation notice was issued to Aida F. Barzaga and Four Fifty Sutter Pharmacy, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- Business and Professions Code section 4076 (a)(2) - A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following: The directions for the use of the drug.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years.....

This appearance was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled at a future date.

13. Natalie Yvonne Nickles
RPH 47169, PIC

CI 2000 20319

Golden Valley Pharmacy
Merced, CA
PHY 43216

Natalie Yvonne Nickles and Golden Valley Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Golden Valley Pharmacy failed to provide patient consultation as required by law.

During the inspection of the pharmacy, board inspectors witnessed the lack of patient consultation.

On January 19, 2001, a violation notice was issued to Natalie Yvonne Nickles, and Golden Valley Pharmacy, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1707.2(b)(1)(A) – Duty to consult, Whenever the prescription drug has not previously been dispensed to a patient.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Natalie Yvonne Nickles, David N. Roderick, and Golden Valley Pharmacy; (a) the matter will be made a part of the record of Natalie Yvonne Nickles, RPH 47169; (b) the matter will be made a part of the record of Golden Valley Pharmacy, PHY 43216; (c) Natalie Yvonne Nickles, RPH 47169, is cited and fined \$500, for failure to provide patient consultation as required; (d) Golden Valley Pharmacy, PHY 43216, is cited and fined \$1,000, for failure to provide patient consultation as required. No further action will be taken at this time.

14. Victor Z. Lassus
 RPH 16173, PIC

CI 1999 19221

David M. Kwate
RPH 23692, former PIC, President

Latimers Pharmacy
Los Molinos, CA
PHY 43360

David M. Kwate and Latimers Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that David M. Kwate dispensed Robitussin PE for an infant, in an inappropriate dosage. If Mr. Kwate had performed a drug utilization review prior to dispensing the medication the error would have been detected. Mr. Kwate also failed to provide patient consultation on the new prescription.

On April 13, 2001, a letter of violation was issued to David M. Kwate, and Latimer Pharmacy, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

This case was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled at a future date.

There being no additional discussion, the meeting was adjourned at 3:30 p.m.